

COMMONWEALTH OF KENTUCKY

EXECUTIVE BRANCH ETHICS COMMISSION



ACCEPTANCE OF GIFTS

This guide provides guidance to state employees who are offered gifts, favors, services, entertainment, food or drink by persons or businesses.

This advice is based on KRS 11A.045. If you have questions about this law, you are encouraged to contact the staff of the Executive Branch Ethics Commission at (502-564-7954) or (800) 664-7954.

ACCEPTANCE OF GIFTS

THE BASIC RULE

An employee, his spouse and his dependent children are prohibited from accepting gifts, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value of more than \$25 in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the state agency for which the employee works.

GIFTS TO AN AGENCY

Gifts that may not be accepted by an employee also may not be accepted by a state agency if the agency has a business, regulatory, or influential relationship with the gift giver.

IN- HOUSE GIFT POLICIES

Some agencies within the executive branch may have in-house policies regarding the acceptance of gifts. Such agencies must, at a minimum, comply with the gifts law in KRS 11A, but are not prohibited from implementing more restrictive policies in addition to the gifts law.

GIFTS WHICH ARE PERMITTED

The following items are not included in the definition of gift or are exceptions to the basic rule and may be accepted by an employee, spouse, or a dependent child:

- ✓ A campaign contribution to an employee's own campaign if in compliance with the campaign finance laws.
- ✓ A gift from a family member.
- ✓ Door prizes, available to the public.
- ✓ A gift or gratuity received by an employee working directly on an economic incentive package or seeking to bring tourism to the state that was not solicited by the employee and was accepted in the performance of the employee's official duty.
- ✓ A ticket for admission to a sporting event if the ticket or admission is paid for by the public servant at face value.

<p>The Commission may authorize other exceptions where an appearance of impropriety will not be created. Requests for exceptions must be made to the Commission in writing.</p>

DEFINITIONS

“Does business with” or “doing business with” means contracting, entering into an agreement, leasing, or otherwise exchanging services or goods with a state agency in return for payment by the state, including accepting a grant, but not including accepting a state entitlement fund disbursement. KRS 11A.010(14)

“Gift” means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; “gift” does not include gifts from family members, campaign contributors, or door prizes available to the public. KRS 11A.010(5)

WHAT TO DO WITH GIFTS YOU CANNOT ACCEPT

An employee who has received a gift that cannot be accepted shall return the item to the gift-giver or pay the gift-giver the market value of the gift. When it is not practical to return an item (something perishable), the item may be donated to charity or destroyed, and the disposal should be documented in writing and included in the employee's personnel file.

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